BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MATTHEW CHAUNCEY COOPER 19317 Carrick Avenue Weed, CA 96094

Registered Nurse License No. 524342

Respondent

Case No. 2012-325

OAH No. 2012030836

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 29, 2013.

IT IS SO ORDERED March 29, 2013.

Raymond Mallel, President

Board of Registered Nursing

Department of Consumer Affairs

State of California

1	KAMALA D. HARRIS		
2	Attorney General of California ARTHUR D. TAGGART		
•	Supervising Deputy Attorney General		
3-	GEOFFREY S. ALLEN Deputy Attorney General	1	
4	State Bar No. 193338		
5	1300 I Street, Suite 125 P.O. Box 944255	•	
•	Sacramento, CA 94244-2550		,
6	Telephone: (916) 324-5341 Facsimile: (916) 327-8643		
7	E-mail: Geoffrey.Allen@doj.ca.gov		•
. 8	Attorneys for Complainant	•	
		RE THE	•
9		STERED NURSING CONSUMER AFFAIRS	
10		CALIFORNIA	
11		I .	
	In the Matter of the Accusation Against:	Case No. 2012-325	
12	MATTHEW CHAUNCEY COOPER	OAH No. 2012030836	
13	19317 Carrick Avenue		
14	Weed, CA 96094 Registered Nurse License No. 524342	STIPULATED SURRENI LICENSE AND ORDER	DER OF
15	Respondent.		
	- Rospondont.		
16			٠.
17	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this		
t	IT IS HEREBY STIPULATED AND AGE	EED by and between the par	ties in this
18		REED by and between the par	ties in this
.	proceeding that the following matters are true:		ties in this
19	proceeding that the following matters are true: PAR	TIES	r
.	proceeding that the following matters are true:	TIES	r
19	proceeding that the following matters are true: PAR	<u>TIES</u> lainant) is the Executive Offi	cer of the Board of
19 20	proceeding that the following matters are true: PAR 1. Louise R. Bailey, M.Ed., RN (Comp.	TIES lainant) is the Executive Offi ly in her official capacity and	cer of the Board of
19 20 21	proceeding that the following matters are true: PAR 1. Louise R. Bailey, M.Ed., RN (Comp. Registered Nursing. She brought this action sole	TIES lainant) is the Executive Offi ly in her official capacity and	cer of the Board of
19 20 21 22	proceeding that the following matters are true: PAR 1. Louise R. Bailey, M.Ed., RN (Comp. Registered Nursing. She brought this action sole this matter by Kamala D. Harris, Attorney Gener Allen, Deputy Attorney General.	TIES lainant) is the Executive Official capacity and all of the State of California, I	cer of the Board of lis represented in by Geoffrey S.
19 20 21 22 23 24	proceeding that the following matters are true: PAR 1. Louise R. Bailey, M.Ed., RN (Comp. Registered Nursing. She brought this action sole this matter by Kamala D. Harris, Attorney Gener Allen, Deputy Attorney General. 2. Matthew Chauncey Cooper (Respond	TIES lainant) is the Executive Offi ly in her official capacity and al of the State of California, I dent) is representing himself	cer of the Board of lis represented in by Geoffrey S.
19 20 21 22 23 24 25	proceeding that the following matters are true: PAR 1. Louise R. Bailey, M.Ed., RN (Comp. Registered Nursing. She brought this action sole this matter by Kamala D. Harris, Attorney Gener Allen, Deputy Attorney General. 2. Matthew Chauncey Cooper (Respondant has chosen not to exercise his right to be represented.)	TIES lainant) is the Executive Official capacity and all of the State of California, Ident) is representing himself resented by counsel.	cer of the Board of is represented in by Geoffrey S.
19 20 21 22 23 24 25 26	proceeding that the following matters are true: PAR 1. Louise R. Bailey, M.Ed., RN (Comp. Registered Nursing. She brought this action sole this matter by Kamala D. Harris, Attorney Gener Allen, Deputy Attorney General. 2. Matthew Chauncey Cooper (Respondand has chosen not to exercise his right to be represented by the Board of the Cooper and has chosen not to exercise his right to be represented by the Board of the Cooper and has chosen not to exercise his right to be represented by the Board of the Cooper and has chosen not to exercise his right to be represented by the Board of the Cooper and the Board of the Cooper and the Board of the Board of the Cooper and the Board of the Boa	TIES lainant) is the Executive Official capacity and all of the State of California, Ident) is representing himself resented by counsel. of Registered Nursing issued	cer of the Board of is represented in by Geoffrey S. in this proceeding
19 20 21 22 23 24 25	proceeding that the following matters are true: PAR 1. Louise R. Bailey, M.Ed., RN (Comp. Registered Nursing. She brought this action sole this matter by Kamala D. Harris, Attorney Gener Allen, Deputy Attorney General. 2. Matthew Chauncey Cooper (Respondant has chosen not to exercise his right to be represented.)	TIES lainant) is the Executive Official capacity and all of the State of California, Ident) is representing himself resented by counsel. of Registered Nursing issued	cer of the Board of is represented in by Geoffrey S. in this proceeding
19 20 21 22 23 24 25 26	proceeding that the following matters are true: PAR 1. Louise R. Bailey, M.Ed., RN (Comp. Registered Nursing. She brought this action sole this matter by Kamala D. Harris, Attorney Gener Allen, Deputy Attorney General. 2. Matthew Chauncey Cooper (Respondand has chosen not to exercise his right to be represented by the Board of the Cooper and has chosen not to exercise his right to be represented by the Board of the Cooper and has chosen not to exercise his right to be represented by the Board of the Cooper and has chosen not to exercise his right to be represented by the Board of the Cooper and the Board of the Cooper and the Board of the Board of the Cooper and the Board of the Boa	TIES lainant) is the Executive Official capacity and all of the State of California, Ident) is representing himself resented by counsel. of Registered Nursing issued	cer of the Board of is represented in by Geoffrey S. in this proceeding

<u>JURISDICTION</u>

4. Accusation No. 2012-325 (Accusation) was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 23, 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in the Accusation. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in the Accusation, agrees that cause exists for discipline and hereby surrenders his License for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his License without further process.

///

CONTINGENCY

- 10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 524342, issued to Respondent Matthew Chauncey Cooper, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation

11.

.10

///

constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

- 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in the Accusation shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. If and when Respondent's License is reinstated, he shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$4,002.40. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.
- 6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in the Accusation shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.
- 7. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the 2 stipulation and the effect it will have on my License. I enter into this Stipulated Surrender of 3 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board. 5 6 7 8 Respondent 9. **ENDORSEMENT** 10 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted 11 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. 12 10/4/12 Respectfully submitted, .13 KAMALA D. HARRIS 14 Attorney General of California ARTHUR D. TAGGART 15 Supervising Deputy Attorney General 16 17 1.8 Deputy Attorney General Attorneys for Complainant 19 20 21 SA2011101542 10961331.doc 22 23 24 25 26 27 28

Exhibit A

Accusation No. 2012-325

1	KAMALA D. HARRIS	
2	Attorney General of California ARTHUR D. TAGGART	
3-	Supervising Deputy Attorney General GEOFFREY S. ALLEN	
4	Deputy Attorney General State Bar No. 193338	
5	1300 I Street, Suite 125 P.O. Box 944255	
6	Sacramento, CA 94244-2550 Telephone: (916) 324-5341	
7	Facsimile: (916) 327-8643 Attorneys for Complainant	
8	BEFORE THE BOARD OF REGISTERED NURSING	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	225	
11	In the Matter of the Accusation Against: Case No. 2012 - 325	
12	MATTHEW CHAUNCEY COOPER 19317 Carrick Avenue	
13	Weed, CA 96094 A C C U S A T I O N Registered Nurse License No. 524342	
14	Respondent.	
15	100pondone.	
16	Complainant alleges:	
17	PARTIES	
18	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her	
19	official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),	
20	Department of Consumer Affairs.	
21	2. On or about July 26, 1996, the Board issued Registered Nurse License Number	
22	524342 to Matthew Chauncey Cooper ("Respondent"). Respondent's registered nurse license was	
23	in full force and effect at all times relevant to the charges brought herein and will expire on	
24	March 31, 2012, unless renewed.	
25	STATUTORY PROVISIONS	
26	3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that	
27	the Board may discipline any licensee, including a licensee holding a temporary or an inactive	
28	///	
	1	

license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct . . .
- 6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.
- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license . . .
- 7. Health and Safety Code section 11170 states that no person shall prescribe, administer, or furnish a controlled substance for himself.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

CONTROLLED SUBSTANCES

- 9. "Marijuana" is a Schedule I controlled substance as designated by Health and Safety Code section 11054, subdivision (d)(13).
- 10. "Levorphanol" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (c)(12).
- 11. "Vicodin" is a compound consisting of 5 mg hydrocodone bitartrate, also known as dihydrocodeinone, and 500 mg acetaminophen per tablet, and is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

FIRST CAUSE FOR DISCIPLINE

(Self-Administration of Controlled Substances)

12. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that in and between December 2007 and March 2011, Respondent self-administered the controlled substances marijuana and levorphanol without lawful authority therefor, as set forth in paragraph 13 below.

SECOND CAUSE FOR DISCIPLINE

(Use of Controlled Substances and Alcoholic Beverages to an Extent or in a Manner Dangerous or Injurious to Oneself and/or Others)

- 13. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (b), in that in and between December 2004 and March 2011, Respondent used alcoholic beverages and the controlled substances marijuana, levorphanol, and/or Vicodin to an extent or in a manner dangerous or injurious to himself, other persons, and the public and/or to the extent that such use impaired his ability to conduct his nursing duties safely, as follows:
- a. On or about December 1, 2004, a hospital supervisor at Mercy Medical Center located in Mt. Shasta, California (where Respondent was employed as a registered nurse), suspected that Respondent had been drinking alcohol prior to reporting for duty as he had an odor ///

///

///

///

28 |

of alcohol on his breath. Respondent was tested for alcohol and was shown to have a blood alcohol level of 23.5 mg/dl.

- b. In or about October 2006, Respondent was suspected of being impaired while at work in that his speech was slurred and he was perspiring profusely. Respondent admitted to hospital staff that he was addicted to prescription narcotics. Respondent entered a chemical dependency center. Upon his discharge from the center, Respondent was placed on an employment contract, requiring him to undergo random drug testing.
- c. On or about December 28, 2007, and December 31, 2007, Respondent underwent random drug tests and tested positive for marijuana.
- d. On or about March 16, 2011, during an interview with an investigator of the Division of Investigation, Department of Consumer Affairs, Respondent admitted that he suffers from addiction and has abused alcohol, pain pills, and marijuana. Respondent stated that he has used the controlled substance levorphanol, an opiate-based liquid pain medication that he obtains on the "streets", and would use 4 to 6 ml a day of the drug. Respondent also stated that he currently uses alcohol, pain pills and marijuana, takes three pills a day of prescription Vicodin, and smokes marijuana once or twice a month. When asked by the investigator if he would submit to drug testing, Respondent refused, stating that his sample might test positive for marijuana.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 524342, issued to Matthew Chauncey Cooper;
- 2. Ordering Matthew Chauncey Cooper to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

1	3. Taking such other and further action as deemed necessary and proper.
2	
3	DATED: November 23, 2011 LOUISE R. BAILEY, M.ED., RN Executive Officer
5	Board of Registered Nursing
6	Department of Consumer Affairs State of California Complainant
7	
8	
9	
10	
11	
12	
13	
14	
15	
16 17	
18	·
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	SA2011101542
	5

Accusation